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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HARBERD et al

Atty. Ref.: 620-298

Serial No. 10/809,945

TC/A.U.: 1638

Filed: March 26, 2004

Examiner: Ibrahim, M.A.

For: GENETIC CONTROL OF PLANT GROWTH AND DEVELOPMENT

* * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Your petitioner, PIONEER HI-BRED INTERNATIONAL, INC., a corporation having an office and place of business at 7100 N.W. 62nd Avenue, P.O. Box 1000, Johnston, Iowa 50131-1000, represents that it is the assignee, by virtue of an assignment from inventors Nicholas P. HARBERD, Donald E. RICHARDS and Jinrong PENG to PLANT BIOSCIENCES LIMITED, recorded at Reel 010865/Frame 0258 (a Request To Correct Notice of Recordation having been recorded at Reel 011073/Frame 0791), and an assignment from PLANT BIOSCIENCES LIMITED to PIONEER HI-BRED INTERNATIONAL, INC., recorded at Reel 014350/Frame 0828, of all right, title and interest in and to Application Serial No. 10/809,945, filed March 26, 2004, for GENETIC CONTROL OF PLANT GROWTH AND DEVELOPMENT.

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HARBERD et al
Serial No. 10/809,945

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,762,348 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent granted on the above-identified application shall be the same as the legal title to the above-identified Patent No. 6,762,348, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,762,348 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Check either box 1 or 2 below, as appropriate.

HARBERD et al
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1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. The undersigned is an attorney or agent of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PIONEER HI-BRED INTERNATIONAL, INC.

By: Marianne H. Michel
Name: Marianne H. Michel
Title: Assistant Secretary

Date: Oct. 24, 2006

Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included. If missing, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

In re Patent Application of

Atty 620-298

Dkt.

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Title: GENETIC CONTROL OF PLANT GROWTH AND DEVELOPMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Correspondence Address Indication Form Attached.

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add

\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)

Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$ 130.00

Applicant claims "small entity" status. Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE (CREDIT CARD PAYMENT FORM ATTACHED) \$ 130.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808

Telephone: (703) 816-4000

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MJW:tat

NIXON & VANDERHYE P.C.

By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

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